



Crl.O.P.No.11187 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM

THE HON'BLE MR. JUSTICE K. KUMARESH BABU

Crl.O.P.No.11187 of 2024

1.Logammal

2.Thulasiraman

...petitioners

Vs.

State represented by

The Inspector of Police,

Central Crime Branch,

Land Fraud Investigation Wing -1, Team 17A,

Chennai.

(Crime No.59 of 2024)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.59 of 2024 on the file of the respondent Police.

For petitioners : Mr.R.Muthukumar

For Intervenor : Mr.S.Nagarajan

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 12.04.2024 for the offences registered by the respondent punishable under Sections 120B, 34, 420, 465, 467, 468 and 471 of IPC, in Crime No.59 of 2024 on the file of the respondent, seek bail.

2.It is stated that the defacto complainant is the son of one Bhavani, who is the sister of the petitioners herein. There was a property dispute between the parties. The petitioners and the other accused suppressed the marriage of the said Bhavani and created fake release deed in favour of A2 and one Arunagiri, based on which, A2 to A4 availed a loan of Rs.1.35 Crores from ICICI Bank and leased out the property to the said Bank on lease amount of Rs.5,00,000/- per month, thereby cheated the defacto complainant. Hence the complaint.

3.It is stated by the learned Government Advocate (crl.side) that the accused cheated the defacto complainant to the tune of Rs.3 Crores and above. He further stated that the investigation is almost completed.

4.The learned counsel for the petitioners stated that the petitioners are innocent persons and they are no way connected with this case.



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5. Taking the period of incarceration into consideration and the fact that the investigation has been almost completed, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Metropolitan Magistrate for Exclusive Trial of CCB and CBCID Metro cases, Egmore, Chennai and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police, as and when required.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



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appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

08.05.2024

gsk

To

- 1.The Metropolitan Magistrate for Exclusive Trial of CCB and CBCID Metro cases, Egmore, Chennai.
2. The Central Prison for Women, Puzhal.
3. The Central Prison, Puzhal.
- 4.The Inspector of Police,
Central Crime Branch,
Land Fraud Investigation Wing - 1, Team 17A,
Chennai.
- 5.The Public Prosecutor, High Court of Madras.



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K. KUMARESH BABU. J.

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